

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTY-THIRD LEGISLATURE

**THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 19, 2015**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent – Shepherd. Total – 1.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Julia Staley, Page.

3RD ORDER Approval of Journal

February 19, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

4TH ORDER Consideration of Messages from the Governor and the Senate

February 18, 2015

Mr. Speaker:

I transmit herewith [SJM 101](#), [S 1045](#), [S 1026](#), [S 1027](#), and [S 1029](#) which have passed the Senate.

NOVAK, Secretary

[SJM 101](#), [S 1045](#), [S 1026](#), [S 1027](#), and [S 1029](#) were filed for first reading.

February 18, 2015

Mr. Speaker:

I return herewith [H 20](#), [H 10](#), [H 11](#), [H 12](#), and [H 37](#) which have passed the Senate.

NOVAK, Secretary

[H 20](#), [H 10](#), [H 11](#), [H 12](#), and [H 37](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

5TH ORDER Report of Standing Committees

February 19, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 9](#),

[HJM 5](#), [HCR 10](#), [H 149](#), [H 150](#), [H 151](#), [H 152](#), [H 153](#), [H 154](#), [H 155](#), [H 156](#), [H 157](#), [H 158](#), [H 159](#), [H 160](#), [H 161](#), [H 162](#), [H 163](#), [H 164](#), [H 165](#), [H 166](#), and [H 167](#).

WILLS, Chairman

[HCR 9](#) and [HCR 10](#) were filed for second reading.

[HJM 5](#), [H 161](#), and [H 166](#) were referred to the Resources and Conservation Committee.

[H 149](#), [H 150](#), [H 151](#), [H 152](#), and [H 153](#) were referred to the Health and Welfare Committee.

[H 154](#), [H 155](#), and [H 167](#) were referred to the State Affairs Committee.

[H 156](#) was referred to the Local Government Committee.

[H 157](#), [H 158](#), [H 159](#), [H 160](#), [H 162](#), [H 163](#), and [H 164](#) were referred to the Judiciary, Rules, and Administration Committee.

[H 165](#) was ordered held at the Desk.

February 18, 2015

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 72](#), [H 107](#), [H 108](#), and [HCR 5](#) and recommend that they do pass.

WOOD, Chairman

[H 72](#), [H 107](#), [H 108](#), and [HCR 5](#) were filed for second reading.

February 18, 2015

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 98](#) and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

[H 98](#) was placed on General Orders for consideration.

February 18, 2015

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 131](#) and [S 1028](#) and recommend that they do pass.

PALMER, Chairman

[H 131](#) and [S 1028](#) were filed for second reading.

February 19, 2015

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 114](#) and recommend that it do pass.

ANDRUS, Chairman

[H 114](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

7TH ORDER Motions, Memorials, and Resolutions

[SJM 101](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

8TH ORDER Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 168
BY APPROPRIATIONS COMMITTEE
AN ACT

PROVIDING LEGISLATIVE INTENT TO MAINTAIN BROADBAND SERVICES TO IDAHO PUBLIC SCHOOLS; APPROPRIATING ADDITIONAL MONEYS IN FISCAL YEAR 2015 TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING LEGISLATIVE INTENT REGARDING THE USE OF FUNDS; AUTHORIZING PROCUREMENT FLEXIBILITY FOR SCHOOL DISTRICTS; REQUIRING REPORTING BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REDUCING THE FISCAL YEAR 2015 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION PROVIDED IN SECTION 1, CHAPTER 227, LAWS OF 2014; REDUCING THE FISCAL YEAR 2015 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION PROVIDED IN SECTION 1, CHAPTER 229, LAWS OF 2014; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 169
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; REPEALING SECTION 33-1275, IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 329, LAWS OF 2013, RELATING TO FACT-FINDERS, APPOINTMENT AND HEARINGS; AND AMENDING SECTION 1, CHAPTER 143, LAWS OF 2014, TO REMOVE A SUNSET DATE AND TO REMOVE AN EFFECTIVE DATE.

HOUSE BILL NO. 170
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PAY FOR SUCCESS CONTRACTING; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-125B, IDAHO CODE, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION MAY ENTER INTO PAY FOR SUCCESS CONTRACTS, TO PROVIDE CONTRACT REQUIREMENTS, TO PROVIDE FOR AN EXTERNAL EVALUATOR, TO PROVIDE FOR INVESTOR MONEYS, TO PROVIDE FOR A THIRD PARTY ADMINISTRATOR, TO ESTABLISH AN OVERSIGHT COMMITTEE, TO PROVIDE REPORTING REQUIREMENTS AND TO DEFINE TERMS.

[H 168](#), [H 169](#), and [H 170](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1045](#), by Local Government and Taxation Committee, was introduced, read the first time by title, and referred to the Local Government Committee.

[S 1026](#), [S 1027](#), and [S 1029](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

10TH ORDER
Second Reading of Bills and Joint Resolutions

Mr. Hartgen asked unanimous consent that [H 120](#) be returned to the Commerce and Human Resources Committee. There being no objection, it was so ordered.

[H 122](#), by Education Committee, was read the second time by title and filed for third reading.

[H 30](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

[H 81](#), by Business Committee, was read the second time by title and filed for third reading.

[H 100](#) and [HCR 6](#), by Commerce and Human Resources Committee, were read the second time by title and filed for third reading.

[H 94](#), [HCR 7](#), and [HCR 8](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

[H 90](#) and [H 91](#), by State Affairs Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Fifth Order of Business.

5TH ORDER
Report of Standing Committees

February 19, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 168](#).

WILLS, Chairman

[H 168](#) was ordered held at the Desk.

7TH ORDER
Motions, Memorials, and Resolutions

**[H 168](#) - APPROPRIATIONS - SUPERINTENDENT
OF PUBLIC INSTRUCTION AND DEPARTMENT OF
ADMINISTRATION**

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 168](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 168](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 69.

NAYS – None.

Absent – Shepherd. Total – 1.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 168](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Malek to open debate.

The question being, "Shall [H 168](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – Gannon. Total – 1.

Absent – Shepherd. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 168](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

11TH ORDER

Third Reading of Bills and Joint Resolutions

[H 109](#) - INCOME TAX

[H 109](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Erpelding to open debate.

The question being, "Shall [H 109](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, McMillan, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Sims, Smith, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Kauffman, Shepherd. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 109](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 133](#) - INCOME TAX

[H 133](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Trujillo to open debate.

The question being, "Shall [H 133](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gibbs, Hartgen, Hixon, Holtzclaw, Horman, Kauffman, Kerby, Kloc, Loertscher, Malek, McDonald, McMillan, Mendive, Nate, Nielsen, Nye, Palmer, Pence, Perry, Raybould, Redman, Rubel, Rudolph, Scott, Sims, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 54.

NAYS – Barbieri, Chew, Gestrin, Harris, Jordan, King, Luker, McCrostie, Miller, Monks, Packer, Romrell, Rusche, Smith. Total – 14.

Absent – Moyle, Shepherd. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 133](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 95](#) - SALES TAX

[H 95](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Chaney to open debate.

The question being, "Shall [H 95](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Barbieri, Bateman, Batt, Boyle, Chaney, Cheatham, Collins, Crane, Dayley, Dixon, Gestrin, Harris, Hartgen, Hixon, Holtzclaw, Kauffman, Loertscher, Luker, Malek, McMillan, Mendive, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Raybould, Redman, Rudolph, Scott, Sims, Thompson, Troy, Trujillo, VanOrden, Vander Woude, Wills, Youngblood, Mr. Speaker. Total – 43.

NAYS – Anderson, Bell, Beyeler, Burtenshaw, Chew, Clow, DeMordaunt, Erpelding, Gannon, Gibbs, Horman, Jordan, Kerby, King, Kloc, McCrostie, McDonald, Miller, Pence, Perry, Romrell, Rubel, Rusche, Smith, Wintrow, Wood. Total – 26.

Absent – Shepherd. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 95](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

16TH ORDER Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 20, 2015. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:11 p.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk